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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/590,607

05/16/2007

Paul Tapper

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42015 7590 05/01/2008  
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EXAMINER

ESTRADA, ANGEL R

ART UNIT

PAPER NUMBER

2831

NOTIFICATION DATE

DELIVERY MODE

05/01/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/590,607 | <b>Applicant(s)</b><br>TAPPER, PAUL |  |
|                              | <b>Examiner</b><br>Angel R. Estrada  | <b>Art Unit</b><br>2831             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Pallapothu (US 6,768,058).

Regarding claim 1, Pallapothu discloses a covering (10) for cable entry device for providing sealing in a space between a cable (16) and a material (14) surrounding the device, comprising a first (34) and a second sealing (36) member which are formed by a recess of the outer periphery of the covering (see figure 2), for receiving said material (14) therebetween, wherein the first sealing member (37) provides a biasing force on the covering (10) when inserted into a hole of said material (see figure 2), a first wall portion (see figure 2) extends from a connection point of the first sealing member (34) and faces the first sealing member (see figure 2), and the second sealing member (36) extends radially beyond the first wall portion.

Regarding claim 2, Pallapothu discloses the covering (10), wherein the first (34) and second (36) sealing members are flexibly connected to the covering (see figure 2).

Regarding claim 3, Pallapothu discloses the covering (10) wherein the circumference at a free end of the first sealing member (34) is larger than the circumference of a free end of the second sealing member (36, see figure 2).

Regarding claim 4, Pallapothu discloses the covering (10), wherein free ends of the first (34) and second (36) sealing members abut a first and a second side of the surrounding material (14, see figure 2), respectively, when the covering is inserted into a hole therein (see figure 2).

Regarding claim 5, Pallapothu discloses the covering (10), wherein the first sealing member (34) extends outwardly from a first end of the covering towards the second sealing member (36) and the second sealing member (36) extends outwardly from a second end of the covering towards the first sealing member (see figure 2).

Regarding claim 6, Pallapothu discloses the covering (10), wherein the covering (10) comprises means for temporarily receiving the second sealing member (36) during insertion into a hole (see figure 2).

Regarding claim 7, Pallapothu discloses the covering (10), wherein the means for temporarily receiving the second sealing member (36) comprises a recess of the covering having a depth corresponding to the thickness of the second sealing member (see figure 2).

Regarding claim 8, Pallapothu discloses the covering (10) wherein the means for temporarily receiving the sealing member comprises an irregular surface (see figure 2) of the covering (10) having a first and a second portion, the first portion having a diameter corresponding to the diameter of the hole (see figure 2), to which the device is

dimensioned for, and the diameter of the second portion plus twice the thickness of the second sealing member correspond to the diameter of said hole (see figure 2).

Regarding claim 9, Pallapothu discloses the covering (10), wherein the second portion (see figure 2) will extend at least partially through the hole when the covering is inserted therein (see figure 2).

Regarding claim 10, Pallapothu discloses a use of the covering (10) as a cable entry device (see figure 2).

Regarding claim 11, Pallapothu discloses the covering (10), wherein a distance between the connection point of the first sealing member (see figure 2) and a free end of the first sealing member (34) is substantially the same as an axial length of the first wall portion (see figure 2).

Regarding claim 12, Pallapothu discloses the covering (10), wherein the connection point of the first sealing member (34) is positioned at a larger radius than a connection point of the second sealing member (36, see figure 2).

Regarding claim 13, Pallapothu discloses the covering (10), wherein a second wall portion extends from a connection point of said second sealing member (36) and faces said second sealing member, and wherein said second wall portion has a smaller diameter than the first wall portion (see figure 2).

Regarding claim 14, Pallapothu discloses the covering (10) wherein a distance between the connection point of the second sealing member (36) and a free end of the second sealing member is substantially the same as an axial length of the second wall portion (see figure 2).

Regarding claim 15, Pallapothu discloses the covering (10), wherein the covering substantially encloses a core of a cable entry device (see figure 2; see column 1 line 59-column 2 lines 10; and column 5 lines 14-62).

Regarding claim 16, Pallapothu discloses the covering (10), wherein the core comprises a flange, which extends radially outwardly from a proximal portion of the core (see column 1 line 59-column 2 lines 10; and column 5 lines 14-62).

Regarding claim 17, Pallapothu, discloses the covering (10), wherein the flange extends radially beyond the first wall portion of the covering (see figure 2; see column 1 line 59-column 2 lines 10; and column 5 lines 14-62).).

Regarding claim 18, Pallapothu discloses the covering (10), wherein the core comprises a detent, which extends radially outwardly from a distal portion of the core (see figure 2; see column 1 line 59-column 2 lines 10; and column 5 lines 14-62).

Regarding claim 19, Pallapothu discloses the covering (10), wherein the detent is arranged to provide an abutment for the biasing force provided by the first sealing member when inserted into a hole of said material (see figure 2).

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

Application/Control Number: 10/590,607

Page 7

Art Unit: 2831

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) OR 571-272-1000.

April 21, 2008

/Angel R. Estrada/

Primary Examiner, Art Unit 2831